

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL CASANOVA, :
Plaintiff, : ORDER ADOPTING REPORT
: AND RECOMMENDATION
: 07-CV-2913 (JFB) (ARL)
: - against - :
NASSAU COUNTY MEDICAL :
CENTER, *et al.*, :
Defendants. :
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JOSEPH F. BIANCO, District Judge:

Pro se plaintiff, who is incarcerated, filed the complaint in this action on July 16, 2007.

Defendants answered on October 15, 2007. On July 10, 2008, Magistrate Judge Arlene R. Lindsay issued a Scheduling Order for discovery in this action. On November 5, 2009, Magistrate Judge Lindsay issued a Report and Recommendation (the “R&R”), recommending that the Court administratively close this case with leave to re-open upon a letter from plaintiff indicating that he is able to complete discovery. The R&R instructed that any objections to the R&R be submitted within ten (10) days. (*See* R&R, at 2.) No party filed an objection. Defendant Nassau Health Care Corporation submitted a letter dated November 6, 2009, which did not object to the R&R but requested that a time limit be placed within which plaintiff would be required to re-open the case. Plaintiff submitted a letter, which the Court received on November 18, 2009, advising the Court that he has been moved to another prison facility and asking the Court for additional time to prepare discovery materials, some of which have been lost.

A district judge may accept, reject, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge. *See DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *Walker v. Hood*, 679 F. Supp. 372, 374 (S.D.N.Y. 1988). As to those portions of a report to which no “specific written objections” are made, the Court may accept the findings contained therein, as long as the factual and legal bases supporting the findings are not clearly erroneous. *See Fed. R. Civ. P. 72(b); Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 513 (S.D.N.Y. 1997).

Having conducted a review of the full record and the applicable law, and having reviewed the R&R for clear error, the Court adopts the findings and recommendations contained in the R&R in their entirety.¹ Accordingly,

IT IS HEREBY ORDERED that the case shall be administratively closed.

IT IS FURTHER ORDERED that the case shall be re-opened immediately and restored to the Court’s active docket upon plaintiff informing the Court by letter that he is able to complete discovery, in particular that he is able to complete his revised narrative statement, exhibit list, witness list, and summary of testimony.

IT IS FURTHER ORDERED that plaintiff shall update the Court on the status of this action by March 31, 2010.

SO ORDERED.

JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

Dated: November 30, 2009
Central Islip, NY

¹ Even under a de novo standard of review, the Court would adopt the R&R in its entirety for the same reasons contained in the R&R.